

# EXHIBIT 67

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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

- - -

|                     |   |                       |
|---------------------|---|-----------------------|
| APRIL PLOEGER,      | : |                       |
|                     | : | CIVIL ACTION          |
| Plaintiff           | : |                       |
|                     | : | NO. 2:22-cv-02389-JHS |
| vs.                 | : |                       |
|                     | : |                       |
| THE TRUSTEES OF THE | : |                       |
| UNIVERSITY OF       | : |                       |
| PENNSYLVANIA,       | : |                       |
|                     | : |                       |
| Defendant           | : |                       |

- - -

\*\*\*DEPOSITION\*\*\*

DEPONENT: DAVID WALLACE PANSING

DATE: Friday, April 11, 2025

TIME: 10:03 a.m.

PLACE: Zoom Videoconference

REPORTER: Krista L. Schultz, Registered  
Professional Reporter and  
Notary Public

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1       communicated to him. I asked if your communication  
2       was any different. That's a yes-no question. That  
3       doesn't tell me the substance of your communication.

4                   ATTORNEY GREENSPAN: I disagree.

5                   ATTORNEY HARRIS: I mean, it clearly  
6       doesn't tell me the substance of your communication.  
7       That is a yes-no question.

8                   ATTORNEY GREENSPAN: If you can answer,  
9       you may answer.

10                  THE WITNESS: No, I was told the same  
11       things. It was consistent, what I was told, across  
12       those meetings.

13 BY ATTORNEY HARRIS:

14       Q.       Before yesterday did you believe that you were  
15       fully ready to testify?

16       A.       Yes.

17       Q.       Since yesterday and before the deposition  
18       started this morning, do you feel more prepared to  
19       testify than you felt the day before yesterday?

20       A.       That's a tongue twister. So before yesterday,  
21       so you're saying --

22       Q.       Let me say it like this: As of Tuesday, did  
23       you feel you were fully ready to testify for this  
24       deposition?

25       A.       Yes.

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1 Q. Between Tuesday and 10:00 a.m. this morning,  
2 did your confidence about your own readiness increase at  
3 all?

4 A. No, it's the same.

5 Q. Okay. When did you learn that you were going  
6 to have a meeting with lawyers yesterday?

7 A. That meeting was set up two, three weeks ago.

8 Q. How long did you meet with the attorneys this  
9 morning?

10 A. 30 minutes.

11 Q. How long did you meet with the attorneys  
12 yesterday?

13 A. 30 minutes.

14 Q. Let's head down to topic number 24. Please  
15 tell us everything you did to get ready to testify about  
16 topic number 24.

17 A. I reviewed the document. But without being  
18 reminded what the document is, that's all I can say.

19 Q. And then when we pull that up, if you remember  
20 anything else just let us know. Okay?

21 A. Thanks. Sure.

22 Q. Topic number 25, please tell us everything you  
23 did to get ready to testify about topic number 25.

24 A. So I'm well-versed in the return-from-leave  
25 process, the return from leave and all of those things

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1 already. I coordinated the return-from-leave process  
2 for ten years for the College, so I know those.

3 Q. That makes sense.

4 So it sounds like, and correct me if I'm  
5 wrong, but for topic number 25 you were able essentially  
6 just to talk about that stuff cold, didn't have to read  
7 any extra documents or talk to any extra people?

8 A. Correct.

9 Q. Okay. Got you.

10 And then topic number 26, can you tell us  
11 everything that you did to get ready to testify about  
12 topic number 26.

13 A. I read the document.

14 Q. Did you have to talk to anybody?

15 A. No. I could tell from the document what the  
16 answer was.

17 Q. And then, finally, topic number 32,  
18 understanding, of course, that not all of these numbers  
19 apply to you, what did you do to get ready for topic  
20 number 32?

21 A. I reviewed the documents and -- that applied  
22 to me and associated that with the other information  
23 that I had been reviewing in notes and other things,  
24 looking through how they fit into the record, I guess.  
25 Not knowing what questions would be asked in advance, I

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1 just familiarized myself with the documents and what was  
2 going on in those cases.

3 ATTORNEY HARRIS: It seems like it's a  
4 good time for another break. I'll leave it up to the  
5 court reporter and then the witness as to whether you  
6 want to take a classic lunch break or if you just want  
7 to do more of an extended comfort break of maybe  
8 20 minutes.

9 ATTORNEY GREENSPAN: Would you like to  
10 take lunch now?

11 THE WITNESS: I think I need to eat  
12 something.

13 ATTORNEY GREENSPAN: Okay. It sounds like  
14 it's, right, time for lunch. So how long would you  
15 like? We can take as long or as short of a break.  
16 20, 30 minutes, what works for you?

17 THE WITNESS: Let's do 30, so we can get a  
18 sandwich.

19 ATTORNEY HARRIS: Okay. Sounds good.  
20 We'll do -- it's 12:26. Let's just come back at  
21 1 o'clock.

22 ATTORNEY GREENSPAN: Okay. See you then.

23 THE WITNESS: Thank you.

24 (Lunch recess, 12:26 p.m. to 1:00 p.m.)

25 BY ATTORNEY HARRIS:

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1 Q. Are you ready to proceed with questions?

2 A. Yes.

3 Q. Do you understand that you are still under  
4 oath?

5 A. Yes.

6 Q. Did you discuss your testimony during the  
7 break?

8 A. No.

9 Q. So since we took a little bit of a longer  
10 break, just want to wrap up a couple of things that I  
11 think that we clarified beforehand.

12 You had mentioned that you reviewed the  
13 advising notes, and you had discussed that there's the  
14 Path advising notes and then there's also the CaseNet  
15 advising notes, and my question is related to the Path  
16 advising notes. Were those advising notes given to you  
17 to review or did you go on your own and review the Path  
18 advising notes?

19 A. Went on my own and reviewed them.

20 Q. Then as it relates to the CaseNet advising  
21 notes, were those given to you to review or did you go  
22 on your own and find and review those?

23 A. I went on my own and reviewed them.

24 Q. Were the hub messages given to you or did you  
25 go on your own and find and review those notes?

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1           A.       Well, I think they were given to me, but I  
2   reviewed them on the system. So I looked at my -- I  
3   looked at the system myself.

4           Q.       The leave request, slash, return forms, were  
5   those given to you or did you go on your own and find  
6   and review those?

7           A.       Both, I think.

8           Q.       When you say both, do you mean that they were  
9   given to you and then you also went and looked at them  
10   in the system or wherever it was that they were stored?

11          A.       Yeah, I found it easier to refer to them in  
12   the system that I knew, so I just looked at them there,  
13   but I believe they were given to me.

14          Q.       The documents that were relevant to the  
15   excerpts of your portion of the deposition notice, were  
16   -- when you said that, were you referring to that long  
17   list of numbers in paragraph 32 as the documents that  
18   were related to the excerpt?

19                   ATTORNEY GREENSPAN: Objection to the  
20   form. You can answer.

21                   THE WITNESS: Oh, I'm not sure what you're  
22   asking, I guess.

23   BY ATTORNEY HARRIS:

24          Q.       Sure. So let me put Exhibit 1 back up.

25                   So we'll sort of reorient ourselves to topic



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1 number 32, this is the one where, as you can see,  
2 there's just a long string of numbers in that second  
3 line of topic number 32. And before we took the lunch  
4 break you said that you reviewed documents relevant to  
5 the excerpts of the notice, and my question was were you  
6 referring to topic number 32, you reviewed the documents  
7 that were related to you in topic number 32?

8 A. Correct.

9 Q. Okay. And just wanted to confirm finally,  
10 Ms. Schept is the only person you spoke with other than  
11 lawyers to get ready for the deposition?

12 A. Correct.

13 Q. All right. So let's see here.

14 (Pause.)

15 So this has been premarked as Exhibit 141.  
16 This is Bates number D1985 through 1988. Looking here  
17 at D1988, is this one of the documents that you had  
18 reviewed?

19 A. That is.

20 Q. All right. And in addition to this particular  
21 page, did you review the other documents that sort of  
22 came with that last page there?

23 A. Yeah.

24 Q. I'm sorry, say again.

25 A. Yes.

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1 Q. Okay. Great.

2 So at D19 -- this is the last page, D1988.

3 A. Will you show me the top page, so I know the  
4 whole series you're talking about before we get started?

5 Q. Absolutely.

6 A. Yeah. Great. Thank you.

7 Q. Absolutely. Do you recognize this document  
8 that we premarked as Exhibit 141?

9 A. Yes.

10 Q. And can you tell us generally what these  
11 documents are, please?

12 A. So Angie Estevez was one of the assistant  
13 directors for academic services in our office on the  
14 CaseNet team and she was coordinating with student  
15 intervention services, which is a different office under  
16 the vice-provost for University life that convenes a  
17 meeting each semester and for the summer to discuss  
18 students returning from leaves of absence or  
19 separations, and she was coordinating which students we  
20 would discuss at that meeting.

21 And then the document below is, I think, the  
22 actual list of students and Ms. Ploeger's name appears  
23 on that list.

24 Q. Okay. And you said that Angie is an assistant  
25 director in the -- with the vice-provost from University

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1 before that they were listed on Penn in Touch, which was  
2 the previous system. So we are able to go in on the  
3 student's record and see whether the hold is on there or  
4 not.

5 When we get down to the deadline, we're  
6 monitoring the students who have holds remaining and we  
7 watch for them and we also ask advisors for each student  
8 to reach out and see if that hold is going to be removed  
9 or if they're in the process, what they're doing. So we  
10 try to make sure we're in communication with them and  
11 finding out where they are in the process.

12 Q. Does the committee or anyone on behalf of the  
13 committee ever interact with the hold originating office  
14 directly or is it just sort of looking in that system?

15 A. So we collaborate with student financial  
16 services if we can. Especially if the student is not  
17 understanding something, we try to make sure that we can  
18 help the student understand or figure out what's going  
19 on. So in an informative way, informational way, we  
20 would with some students contact that office and find  
21 out what's going on.

22 Q. Are there any -- so we know that there's the  
23 -- I believe it was pending return, provisional return,  
24 final return, those are the three possible return  
25 states, correct?

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1 A. Yes.

2 Q. So let's start with the pending return. Is  
3 there anything that would -- is there any condition that  
4 would prohibit the committee from pending return a  
5 student?

6 A. Is there any condition? I don't think I  
7 understand the question as stated.

8 Q. Is there any -- whether it's a hold, whether  
9 it's, you know, a certain -- I don't know, a certain  
10 grade or a certain class or a certain condition where  
11 the committee is not allowed to return the student on a  
12 pending basis?

13 A. So at one time if a student had incomplete  
14 grades, we would not make them provisional until those  
15 incompletes were done. But we changed that, I don't  
16 know, eight or nine years ago, so they could be  
17 provisional until their work was done. I think that was  
18 the only one, but that one was changed at the time.

19 Yeah, I don't think that's something that -- I  
20 don't think it's attached to specific conditions.

21 Q. Okay. And just to be clear, the question I  
22 asked was about pending. It sounds like you answered  
23 about provisional. Is your answer the same between  
24 pending and provisional?

25 A. Well, so what I said -- I don't know if it cut

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1 out, what I said was that we used to only allow students  
2 with incompletes to be pending, not to be provisional.

3 Q. Got you. Got you.

4 A. So we've since changed that so -- yeah, so --  
5 and provisional would be the same answer, though.  
6 There's no specific condition that would be -- that  
7 would prevent a student from being provisionally  
8 returned.

9 Q. What analysis does the committee do to decide  
10 between pending and provisional?

11 A. So I think that there's -- the committee in  
12 those situations looks at what's been going on with the  
13 student, are there concerns, has the student had trouble  
14 returning before, are there signs that there are -- that  
15 some of the issues are still ongoing. So those things  
16 might be things that they want to see some action on  
17 before they make the student provisional instead of  
18 making them provisional directly, then they might make  
19 them pending in that case.

20 Q. Are there any policies or guidelines that  
21 inform the committee that -- or helps the committee  
22 decide whether there has been a sufficient amount of  
23 trouble with a student returning that necessitates a  
24 pending versus a provisional?

25 A. I don't think there's any written guidelines

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1 they are. So we can't say any one outcome would come  
2 out of that meeting. It would be a range of outcomes --  
3 -- a range suggests levels, but, you know, personalized  
4 set of outcomes depending on where the student is, what  
5 they need, what's going on.

6 Q. And if I remember correctly, is there -- at  
7 one of these meetings or maybe all of these meetings  
8 there's the five to ten-minute discussion of the  
9 particular student's situation; is that correct?

10 A. That's correct.

11 Q. And is that at one of these meetings in  
12 particular or does that happen at all of these meetings?

13 A. The SIS meeting?

14 Q. The SIS meeting and the two committee meetings  
15 as well.

16 A. I'm sorry, the two what meetings?

17 Q. The two -- the leave and return committees,  
18 that little blurb, does that occur at all three of those  
19 meetings or just the SIS meeting?

20 A. Sorry, I think we're comparing apples and  
21 oranges. So tell me -- will you ask your question  
22 again, because something cut out and I also don't see  
23 how those things are related, so we can work it out.

24 Q. So when the leave committee is sending a  
25 student on leave, do they have that, you know, blurb of

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1 A. Yes.

2 Q. Since May 21st, 2018, April applied to return  
3 from leave, slash, readmittance?

4 A. Sorry was that a question?

5 Q. Yes.

6 A. I didn't hear the question part, then.

7 Q. No worries.

8 Since May 21st, 2018, did April seek  
9 readmittance or returning from leave?

10 A. Yes.

11 Q. When did she seek readmittance or returning  
12 from leave after May 21st, 2018?

13 A. I have a July 2018 request, May -- let's see,  
14 a July 2021 request and a July 2022 request.

15 Q. The requests that you have for July '18,  
16 July '21, July '22, what date did Penn receive those  
17 requests?

18 A. I don't have the exact date written down. I  
19 assume they're on the documents. July, it would have  
20 been -- yeah, so I can't answer that.

21 Q. Okay. When you say you assume they'd be on  
22 the documents, what documents are you referring to  
23 specifically?

24 A. The leave return request that April submitted.

25 Q. For the July 2018 request to return, who were

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1 you don't remember the exact date, when would that have  
2 come in?

3 A. Came in in November. She was made provisional  
4 at the time. And then in December she was denied  
5 because she didn't get documentation or the hold off.

6 Q. And then was there a summer or spring of 2017  
7 request?

8 A. The summer 2017 request was the fall 2017  
9 request. Is that what you mean?

10 Q. So you said that the spring 2018 request was  
11 the third time she had submitted the same form, so I was  
12 trying to figure out when the first time was that was  
13 submitted.

14 A. August '17.

15 Q. You said August of 2017?

16 A. Correct.

17 Q. Okay. And so that form was submitted twice,  
18 then. Or three times?

19 A. Submitted in August of 2017 and then in  
20 November of 2017 and then again in July of 2018, and CLR  
21 wanted to see a return request that had been written  
22 more recently.

23 Q. Is there a policy or procedure or any other  
24 kind of written guidance that deals with a student not  
25 being permitted to submit the same return from leave



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1 form?

2 A. No, there's not -- wait, let me think, how you  
3 phrased it.

4 So a student may only submit a form when they  
5 have -- when they're past the date that the committee  
6 has allowed them to submit, which is fine. I mean, in  
7 this case, in July of 2018 there was a denial based on  
8 that. So it wasn't that we didn't let her submit the  
9 form, it was that we denied the request.

10 Q. And so is there a policy, procedure or any  
11 kind of written guidance that says if the request is the  
12 same request X number of times, then the student will  
13 not be admitted?

14 A. No, but the purpose of the return request is  
15 to meet the student where they are, hear what they're  
16 doing at the time, work with them on what's going on at  
17 the time. So a three-year-old request or two-year-old  
18 request is not -- not really relevant and wasn't  
19 considered participating fully in the process.

20 Q. Would you agree that the -- because earlier we  
21 talked about individualized assessments. Would you  
22 agree that circumstances could exist where the same  
23 request form could be used?

24 A. So what I would say is that we would -- that  
25 all that had to be done at that point was that if

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1           A.     I interpret that as potentially hyperbole, but  
2     something I cannot confirm.

3           Q.     "From Ms. Delaney, no reply," how do you  
4     interpret that sentence?

5           A.     I interpret that as potentially hyperbole and  
6     something I can't confirm.

7           Q.     Can't or won't confirm?

8           A.     Couldn't at the time and I don't know who that  
9     person is, so I don't even know if I could confirm it at  
10    this point.

11          Q.     Were you physically incapable of confirming or  
12    -- with Ms. Brown-Nevers?

13          A.     No, I was not physically incapable of  
14    confirming with Mr. Brown-Nevers.

15          Q.     Why didn't you?

16          A.     Because I was in my role, which was to define  
17    what the student needed to do to return from leave and  
18    to give her the guidance for that, which I did in the  
19    email that I followed up with.

20          Q.     The email that you followed up with which you  
21    call guidance is to try calling them on the phone, but  
22    otherwise she needs to work with SFS, correct?

23          A.     That's correct. SFS is the only office that  
24    can take the financial hold off.

25          Q.     And earlier in the deposition where you

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1 testified that you could take some action to help  
2 facilitate communications between the student and other  
3 departments, why didn't you do that in this situation?

4 A. So in this situation I could see that she was  
5 meeting with a lot of different people already and that  
6 I assumed that those people would be working with her.

7 Q. Okay. So you took from "I've received no  
8 reply for weeks from anyone. From Ms. Brown-Nevers, no  
9 reply. From Ms. Delaney, no reply," as they were having  
10 meetings; is that correct?

11 ATTORNEY GREENSPAN: Object to the form.

12 THE WITNESS: I saw that she had  
13 connections with people in that office, that she knew  
14 their names and presumably had sent them emails, and I  
15 trusted that my colleagues were either working with  
16 her or had worked with her and I -- yeah, that's what  
17 I did.

18 BY ATTORNEY HARRIS:

19 Q. So you assumed April was lying?

20 ATTORNEY GREENSPAN: Object to the form.

21 THE WITNESS: I don't necessarily assume  
22 she was lying, but I had been working with April, she  
23 often sent a followup email that didn't accept what  
24 the original email responded -- had responded, and I  
25 wasn't sure if that was what had happened in this

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1 situation, too.

2 BY ATTORNEY HARRIS:

3 Q. In preparation for the deposition where you  
4 saw -- you say you saw emails from SFS to April Ploeger,  
5 were those documents that were given to you or were  
6 those things that you sought out on your own?

7 A. They were given to me.

8 Q. Did you bring those documents to the  
9 deposition with you?

10 A. No, I did not.

11 Q. Why not?

12 A. Because I wasn't in a role of bringing  
13 documents to the deposition with me.

14 Q. Well, I understand that that's your  
15 understanding, but I guess you weren't aware that you do  
16 -- did have the role to bring documents to the  
17 deposition with you?

18 ATTORNEY GREENSPAN: Objection.

19 Objection. We put forth our objections to your  
20 notice, including referencing the documents that were  
21 responsive, they had already been produced. There was  
22 nothing else to bring here.

23 ATTORNEY HARRIS: Maybe you should read  
24 Rule 30(b)(2), but that's not how that works.

25 BY ATTORNEY HARRIS:

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1       couldn't -- wasn't receiving messages in the hub  
2       anymore.

3           Q.       Okay.

4           A.       So we started sending them to her by email.

5           Q.       And you looked in the hub and saw that April  
6       had, in fact, not been able to access those messages,  
7       correct?

8           A.       I believe that the -- yes. Noticing that she  
9       wasn't receiving messages, we figured it out and so  
10      tried to meet her by sending the emails instead.

11          Q.       Got you.

12                 But April here is saying that she was emailing  
13      Penn. Do you know why she wasn't getting any responses  
14      to her emails, as opposed to hub messages?

15                   ATTORNEY GREENSPAN: Object to the form.

16                   THE WITNESS: So I don't know what  
17      "emailing Penn" means, so I wouldn't have known then  
18      and I don't know now. I also think if there's a  
19      hyperbole example, that might be one of them, all caps  
20      "Any of my emails from Penn for months."

21      BY ATTORNEY HARRIS:

22          Q.       Did the University do anything to investigate  
23      if April had, in fact, been sending emails to Penn for  
24      months with no reply?

25          A.       I had replied to her and -- her email in less

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1       than a month at this point.

2           Q.       Well, in the context of the sentence she's  
3       saying she wasn't notified about the decision in terms  
4       of fall leave until she called because nobody would  
5       reply to her emails. So in that context, what did Penn  
6       do to investigate whether or not there were responses to  
7       or even emails in that time frame?

8           A.       So in my office we did not have a set of  
9       emails that suggested that she had been emailing and not  
10      receiving a reply for months. So we just didn't see  
11      that. That wasn't something we saw.

12          Q.       To get ready for your deposition did you  
13      investigate what Penn did in response to this email from  
14      her?

15          A.       No, that was not -- I didn't consider it -- I  
16      didn't consider it a way or a claim that had merit, I  
17      did not investigate it.

18          Q.       So you decided it didn't have merit before you  
19      knew whether it had merit or not?

20          A.       I knew it to be false because I had e-mailed  
21      her in the month before it. So for the -- it wasn't  
22      months. So, you know.

23          Q.       The emails that you're referring to, are those  
24      the August 1st, 2018 emails that we looked at in the  
25      previous exhibit?

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1 Mart. He's still talking.

2 THE WITNESS: Ms. Ploeger had submitted  
3 the same form multiple times and the committee did not  
4 feel that that was sufficient engagement with the  
5 process.

6 BY ATTORNEY HARRIS:

7 Q. And what is the measurement of sufficient  
8 engagement?

9 A. Well, in this case it would have been writing  
10 a new form, writing new responses to the form.

11 Q. But if the form was written in full and as  
12 truthfully as April could write the form, what does the  
13 committee want, her to stop saying the word  
14 "litigation"?

15 ATTORNEY GREENSPAN: Objection.

16 THE WITNESS: It has nothing to do with  
17 that. Litigation is handled by the office of general  
18 counsel and not something that our committee takes  
19 into account ever.

20 BY ATTORNEY HARRIS:

21 Q. Well, the information about April's litigation  
22 is specifically in the committee's mind and in the  
23 committee's eyeballs, correct?

24 A. That is not something we ever consider and we  
25 have, in fact, advanced her requests after this request.